

Jasso,  
Plaintiff  
Gallian,  
Defendant

Adv. Proc. No. 21-01096-SC

## CERTIFICATE OF NOTICE

District/off: 0973-8

User: admin

Page 1 of 2

Date Rcvd: Dec 02, 2022

Form ID: pdf031

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 04, 2022:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
pla	Email/Text: j9_jasso@yahoo.com	Dec 03 2022 00:20:00	Janine Jasso, PO Box 370161, El Paso, TX 79937
dft	+ Email/PDF: jamiegallian@gmail.com	Dec 03 2022 00:20:00	Jamie Lynn Gallian, 16222 Monterey Ln #376, Huntington Beach, CA 92649-2258

TOTAL: 2

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
dft		J-Pad, LLC
dft		J-Sandcastle Co LLC

TOTAL: 2 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 04, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 2, 2022 at the address(es) listed below:

Name	Email Address
Jeffrey I Golden (TR)	lwerner@go2.law jig@trustesolutions.net;kadele@go2.law
United States Trustee (SA)	ustregion16.sa.ecf@usdoj.gov

District/off: 0973-8

User: admin

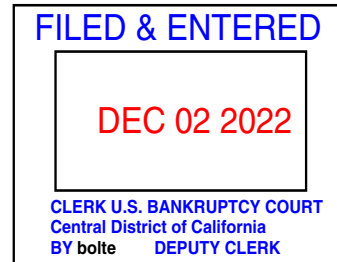
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re:  Jamie Lynn Gallian,       Debtor(s).	Case No.: 8:21-bk-11710-SC  CHAPTER 7  Adv No: 8:21-ap-01096-SC  <b>ORDER CONTINUING HEARING ON MOTION TO DISMISS</b>
Janine Jasso,   Plaintiff(s),  v.  Jamie Lynn Gallian,  Defendant(s).	<u>Continued Hearing:</u> Date: January 10, 2023 Time: 1:30 PM Courtroom: 5C

The hearing on Debtor's Motion to Dismiss Complaint filed November 8, 2022 [Dk. 63] is hereby CONTINUED to January 10, 2023, at 1:30 p.m. Any response is due 14 days prior to the hearing. Replies are due 7 days prior to the hearing.

While the Motion to Dismiss seeks dismissal under FRCP 12(b)(6), the Court will treat the motion as one seeking relief under FRCP 12(c). As explained by the District Court in Daimler Ag v. A Z Wheels LLC, No. 16-CV-875-JLS (MDD), 2017 U.S. Dist.


1 LEXIS 231381, at \*4-5 (S.D. Cal. Nov. 27, 2017):

2 The present Rule 12(b)(6) Motion is untimely, as Defendants answered the  
3 Complaint prior to bringing the Motion. See Fed. R. Civ. P. 12(b) (providing that a  
4 Rule 12 motion "must be made before pleading if a responsive pleading is  
5 allowed"). However, the Court construes Defendants' Rule 12(b)(6) Motion as a  
6 motion for judgment on the pleadings under Rule 12(c). District courts in this  
7 circuit can treat improperly filed motions to dismiss as motions for judgment on  
8 the pleadings. See *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir. 1980); see  
9 *Dynetix Design Sols. Inc. v. Synopsys Inc.*, No. CV 11-05973 PSG, 2013 WL  
10 2239445, at \*3 (N.D. Cal. May 21, 2013) (construing post-answer Rule 12(b)(6)  
11 motion as a Rule 12(c) motion). "Analysis under Rule 12(c) is substantially  
12 identical to analysis under Rule 12(b)(6) because, under both rules, a court must  
13 determine whether the facts alleged in the complaint, taken as true, entitle the  
14 plaintiff to a legal remedy." *Chavez v. United States*, 683 F.3d 1102, 1108 (9th  
15 Cir. 2012) (internal quotation marks and citation omitted). Thus, the Court  
16 analyzes Defendants' arguments under Rule 12(c).

17 *Daimler Ag v. A Z Wheels LLC*, No. 16-CV-875-JLS (MDD), 2017 U.S. Dist. LEXIS  
18 231381, at \*4-5 (S.D. Cal. Nov. 27, 2017).

19 IT IS SO ORDERED.

20 Date: December 2, 2022

21  
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24   
25 Scott C. Clarkson  
26 United States Bankruptcy Judge  
27  
28

**NOTICE OF ENTERED ORDER AND SERVICE LIST**

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER CONTINUING HEARING ON MOTION TO DISMISS** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

**I. SERVED BY THE COURT VIA U.S. MAIL:** A copy of this notice and a true copy of this judgment or order was sent by U.S. Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

**Janine Jasso**  
PO Box 370161  
El Paso, TX 79937